

RECEIVED  
CENTRAL FAX CENTER

JUN 22 2006

**FAX TRANSMISSION****DATE:** June 22, 2006**PTO IDENTIFIER:** Application Number 10/564,485-Conf. #9881  
Patent Number**Inventor:** Lysander Chrisstoffels et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP  
Burton A. Amernick**PHONE:** (202) 331-7111**Attorney Dkt. #:** 13111-00029-US1**PAGES (Including Cover Sheet):** 9**CONTENTS:** Submission Of International Preliminary Report On Patentability (1 page)  
International Preliminary Report (6 pages)  
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 331-7111 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

**CONNOLLY BOVE LODGE & HUTZ LLP**  
1990 M Street, N.W., Suite 800, Washington, DC 20036  
Telephone: (202) 331-7111 Facsimile:

JUN 22 2006

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/564,485

Attorney Docket No.: 13111-00029-US1

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on June 22, 2006  
Date

  
Signature

Nicole Brown

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Submission Of International Preliminary Report On Patentability (1 page)  
International Preliminary Report (6 pages)

**RECEIVED  
CENTRAL FAX CENTER****JUN 22 2006**Docket No.: 13111-00029-US1  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Lysander Chrisstoffels et al.

Application No.: 10/564,485

Confirmation No.: 9881

Filed: January 13, 2006

Art Unit: N/A

---

For: AQUEOUS POLYMER DISPERSION AND  
USE THEREOF IN COSMETICS

---

Examiner: Not Yet Assigned

**SUBMISSION OF INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith a copy of the International Preliminary Report on Patentability issued in the corresponding international patent application. Each reference cited in the Report has been cited by Applicant in an Information Disclosure Statement filed in the captioned application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13111-00029-US1 from which the undersigned is authorized to draw.

Dated: June 22, 2006

Respectfully submitted,

By 

Burton A. Amernick

Registration No.: 24,852  
CONNOLLY BOVE LODGE & HUTZ LLP  
1990 M Street, N.W., Suite 800  
Washington, DC 20036  
(202) 331-7111 (Fax)  
Attorney for Applicant

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)

To:

**RECEIVED**  
**CENTRAL FAX CENTER**

JUN 22 2006

REITSTÖTTER, KINZEBACH & PARTNER (GmbH)  
Ludwigsplatz 4  
67059 Ludwigshafen  
ALLEMAGNE

Reitstötter, Kinzbach & Part.  
Eing. 14. Juni 2006  
Bea Weile  
Ludwigsplatz 4, D-67059 Ludwigshafen

Date of mailing (day/month/year)  
08 June 2006 (08.06.2006)

Applicant's or agent's file reference  
M/44125-PCT

IMPORTANT NOTIFICATION

International application No.  
PCT/EP2004/007741

International filing date (day/month/year)  
13 July 2004 (13.07.2004)

Applicant

BASF AKTIENGESELLSCHAFT et al

## 1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

## 2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

## 3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference M/44125-PCT	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/EP2004/007741	International filing date (day/month/year) 13 July 2004 (13.07.2004)	Priority date (day/month/year) 14 July 2003 (14.07.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant: BASF AKTIENGESELLSCHAFT			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I  | Basis of the report   |
| <input checked="" type="checkbox"/> Box No. II | Priority  |
| <input type="checkbox"/> Box No. III           | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV            | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V  | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI            | Certain documents cited   |
| <input type="checkbox"/> Box No. VII           | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII          | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 29 May 2006 (29.05.2006)
Facsimile No. +41 22 740 14 35		Authorized officer  Agnes Wittmann-Regis
Form PCT/IB/373 (January 2004)		Telephone No. +41 22 338 89 70

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

M/44125-PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/007741

International filing date (day/month/year)

13.07.2004

Priority date (day/month/year)

14.07.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

BASF AKTIENGESELLSCHAFT

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statements under Rule 43bis.1(n)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/007741

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

## a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

## b. format of material

☐

in written format

☐

in computer readable form

## c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCI/EP2004/007741

Box No. II

Priority

1. ☒ The following document has not yet been furnished:☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:



WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCI/EP2004/007741
Box No. V	Reasoned statement under Rule 43b1a1(s)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims 1-24	YES
	Claims	NO
Inventive step (IS)	Claims 1-24	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-24	YES
	Claims	NO
2. Citations and explanations		
<p>The subject matter of the application is novel and inventive within the meaning of PCT Article 33(1)-(3).</p> <p>The subject matter of the application is an aqueous polymer dispersion obtainable by free-radical polymerization of a mixture of the components a) to c) and a polymeric anionic dispersant.</p> <p>The polymer dispersions described in the prior art, e.g. US 6 426 383, do not contain all the constituents defined in claim 1.</p> <p>The object of the application was to provide a composition for improving the hair-cosmetic properties.</p> <p>This is achieved by means of an aqueous polymer dispersion which contains a particular compound a) containing amide groups (formula (I): <math>R^2 = CH_2=CR^4</math>), a crosslinker b) and a polymeric anionic dispersant. As can be seen from table 1 (page 44), the combing force is reduced as a result. Further uses of the polymer dispersion in cosmetic applications may be found in the examples. Such a combination of features and the effect produced thereby on, for example, the hair-cosmetic properties is not disclosed in the prior art.</p> <p>Industrial applicability is present.</p>		